

### **REMARKS**

Claims 1-9, 19 and 20 are pending in this application. Claim 1 has been amended.

Claims 1-9 and 19-21 were rejected under 35 USC 101 because the claimed invention is directed to non-statutory subject matter. The Examiner further stated that regarding claims 1-9 and 19-21, the claims are directed to non-statutory subject matter because the claimed invention is a system with no structural limitations. The claimed system is defined merely by software terms or terms synonymous with software or files such as “modules”, “engine”, “webpage”, “tool”, “logic”, “interface”, “GUI”, etc. Applicants respectfully disagree.

Claim 1 has been rewritten as a “Beauregard Claim” which is considered statutory under MPEP 2106.01, I:

In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program’s functionality to be realized, and is thus statutory. See Lowry, 32 F.3d at 1583-84, 32 USPQ2d at 1035.

Claim 1 now includes the language “wherein the system comprises distinct software modules embodied on computer-readable media” and is believed to overcome the rejection under 35 USC 101. Support for this language can be found in the specification at page 4, lines 7-8: “In this embodiment, the customer satisfaction system 100 communicates with customers 40 via the Internet.” Inferentially, the customer satisfaction system 100 is embodied on computer-readable media (such as the memory of a computer or server), and the computer or server uses communication software to communicate with customers.

Applicants also note that claim 2 includes a “memory”, which is structural.

Claim 1 has also been amended to include the limitation: wherein the system first identifies a problem, solves the identified problem and then has the customer verify that the identified problem has been solved. Support for this language can be found in the specification on page 7, lines 12-14. Also, since Applicants have been arguing that “a query to a customer as to whether the customer has any problems with goods or services provided by a provider that have not been resolved to the customer’s satisfaction” is an open-ended query, Applicants have amended claim 1 to recite: “a

query module for automatically sending an open-ended query comprising a query to a customer as to whether the customer has any problems with goods or services provided by a provider that have not been resolved to the customer's satisfaction".

Claims 1-2, 4-9, and 19-20 were rejected under 35 USC 102(b) as being anticipated by Remedy (as evidenced by Newswire ("Remedy Introduces New Applications to the Customer Relationship Management (CRM) Market") and Strauss ("My Remedy what!? Has been resolved????")). Claim 3 was rejected under 35 USC 103(a) as being unpatentable over Remedy. Claim 21 was rejected under 35 USC 103(a) as being unpatentable over Remedy in view of Official Notice (that "yes" and "no" hyperlinks enabling a response were old and well known at the time of invention and further citing (in the remarks section Gusick, US PG-Pub 2001/0047270)). Applicants respectfully disagree.

Remedy does not send open ended queries to customers; Remedy does not send "a query to a customer as to whether the customer has any problems with goods or services provided by a provider that have not been resolved to the customer's satisfaction. Appellants' system includes a query module for automatically sending a query to a customer as to whether the customer has any problems with goods or services provided by a provider that have not been resolved to the customer's satisfaction. A "query as to whether the customer has any problems" is an open-ended query. The customer is not limited by his response to a particular device or service call. Nor must a customer have already opened a ticket for service to receive the query. Open-ended queries result in more responses from recipients of the open-ended query. A side benefit of open ended queries is that some customers respond with praise and other positive comments about the provider's goods or services.

The Examiner notes that "Remedy" (Strauss, but it does not appear that Newswire so indicates) sends a query to the customer after the customer has already opened a ticket rather than sending the query to a customer before the opening of a ticket. The Examiner further states that the references meet the limitation of the claim since the claim does not recite any required order. Appellants respectfully disagree. Remedy sends queries in response to known problems, as indicated by the customer submitted job ticket. Appellants' claim 1 includes a query module for

“sending a query to a customer as to whether the customer has any problems with goods or services provided by a provider that have not been resolved to the customer’s satisfaction”. Remedy’s query sent in response to a customer opening a ticket is clearly not “a query to a customer as to whether the customer has any problems with goods or services provided by a provider that have not been resolved to the customer’s satisfaction”. Remedy’s query sent in response to a customer opening a ticket for service is clearly not an open ended query. When Remedy sends a query to a customer, Remedy already knows the customer has a problem. In contrast, Appellants’ system makes no such assumption.

Remedy discloses a tracking system for computer support problems; Remedy is not a customer satisfaction system. The primary purpose of Remedy is to provide a central tracking system for every conceivable type of computer support action (Remedy/Strauss bottom of page 1). Remedy customers are expected to initiate their own job tickets for support requests. In future versions of Remedy (see page 4 of Remedy/Strauss), customers will log into a website to enter their job tickets, check status and “fill out a customer satisfaction survey, following a prompt after trouble call closure” (page 5 of Remedy/Strauss). This aspect of Remedy is the same as all prior art systems that ask a customer to fill out a customer satisfaction survey after receipt of service.

A tracking system can only track those job tickets/service requests the customers have input into the system. Appellants’ customer satisfaction system identifies more problems than a tracking system which relies entirely on customer initiated problems. A tracking system is not the same as Appellants’ customer satisfaction system. The goal of a tracking system is to keep track of all job tickets/service requests that customers have input into the system. The goal of a customer satisfaction system is to eliminate problems and thus ensure repeat business. In order to eliminate problems, all problems must be identified. This is not achieved by waiting for customers to initiate the request. Appellants’ customer satisfaction system eliminates problems by sending open-ended queries to customers, thereby eliciting more responses (both those that indicate a problem and those that indicate there is no problem). The analysis module in Appellants’ system analyzes responses from customers to identify a customer problem. If a problem is identified, it is routed to a problem solver module for resolution. Since more problems are identified earlier, more problems can be

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fixed earlier, ensuring greater customer satisfaction.

Dependent Claim 3 depends from dependent claim 2, which depends from independent claim 1. Accordingly, the arguments submitted with respect to claims 1 and 2 apply to claim 3. Dependent Claim 21 depends from dependent claim 4, which depends from independent claim 1. Accordingly, the arguments submitted with respect to claims 1 and 4 apply to claim 21.

Consideration of this application and allowance thereof are earnestly solicited. In the event the Examiner considers a personal contact advantageous to the disposition of this case, the Examiner is requested to call the undersigned Attorney for Applicants, Jeannette Walder.

Respectfully submitted,

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